

Library Laws of Utah (Utah Code)

Effective July 1, 2004

Please note: This document was prepared by the Utah State Library Division; while every attempt has been made to faithfully reproduce the relevant parts of the Utah Code, accuracy and completeness cannot be guaranteed. Headings in italics are for the convenience of the reader, and are not part of the Utah Code. For direct access to the Utah Code and other Library Law Resources, see

<http://library.utah.gov/laws.html>

Quick Find Index

Boards, Library		Legislative Interim Committees	
City	9, 10		19
County	11, 12	Lists	5
Bonding, Library	14 - 17	Micrographics	6
City Libraries	9 - 11, 14, 15, 17	State Library Division	2 - 8
Consolidation	11	Board	3 - 5
County Libraries	11 - 17, 19	Creation	2
Definitions	2	Deposit of State Publications	5
Disabled, Access for	17, 18	Depository Libraries	
Districts, Library	17	Director, Appointment of	2
Employees		Donation Fund	5
Benefits	14, 15	Duties, Board	4, 5
City	11	Duties, Director	4, 5
County	13	Duties, Division	2 - 3
English Only	22	Filters	6, 7
Internet Access Policy	6, 7	Internet Policy	6, 7
Law Library, State	8, 9	Libraries, Non-Public	6
Legislative Research	18	List of State Publications	5
Levy Limitation Exceptions	19	Materials, Library	6
Materials, Library		Purpose	2
Detaining Thieves	25, 26	Reports, Library	6, 7, 10, 11, 13
Theft and Damage	6, 23 - 25	Rulemaking	6
Pornographic Films	25	Records, Library	20, 21
Publications, State		Reports, Annual	6
Capitol Facilities Plans	15, 16	Standards, School Library	19
Deposit Requirements	5	State Capitol Preservation Board	
Depository Libraries	5, 6		22, 23
		Taxes	9, 11, 19

(State Library Division)

9-7-101. Definitions.

As used in this chapter:

- (1) "Division" means the State Library Division.
- (2) "Library board" means the library board of directors appointed locally as authorized by Section **9-7-402** or **9-7-502** and which exercises general policy authority for library services within a city or county of the state, regardless of the title by which it is known locally.
- (3) "Policy" means the public library online access policy adopted by a library board to meet the requirements of Section **9-7-215**.
- (4) "Political subdivision" means any county, city, town, school district, public transit district, redevelopment agency, or special improvement or taxing district.
- (5) "State agency" means the state, any office, department, agency, authority, commission, board, institution, hospital, college, university, or other instrumentality of the state.
- (6) (a) "State publication" means any book, compilation, directory, document, contract or grant report, hearing memorandum, journal, law, legislative bill, magazine, map, monograph, order, ordinance, pamphlet, periodical, proceeding, public memorandum, resolution, register, rule, report, statute, audiovisual material, electronic publication, micrographic form and tape or disc recording regardless of format or method of reproduction, issued or published by any state agency or political subdivision for distribution.
- (b) "State publication" does not include any correspondence, internal confidential publications, office memoranda, university press publications, or publications of the state historical society.

9-7-201. State Library Division -- Creation -- Purpose.

- (1) There is created within the department the State Library Division under the administration and general supervision of the executive director or the designee of the executive director.
- (2) The division shall be under the policy direction of the board.
- (3) The division shall function as the library authority for the state and is responsible for general library services, extension services, the preservation, distribution and exchange of state publications, legislative reference, and other services considered proper for a state library.

9-7-202. Appointment of director.

- (1) The chief administrative officer of the division shall be a director appointed by the executive director with the concurrence of the board.
- (2) The director shall have a degree from an institution approved by the American Library Association in library science and shall have demonstrated administrative ability.

9-7-203. Division duties.

The division shall:

- (1) establish, operate, and maintain a state publications collection, a bibliographic control system, and depositories as provided in this part;
- (2) cooperate with other agencies to facilitate public access to government information through electronic networks or other means;
- (3) cooperate with other state or national libraries or library agencies;
- (4) cooperate with the federal government or agencies in accepting federal aid whether in the form of funds or otherwise;
- (5) receive bequests, gifts, and endowments of money and deposit the funds with the state treasurer to be placed in the State Library Donation Fund, which funds shall be held for the purpose, if any, specifically directed by the donor; and
- (6) receive bequests, gifts, and endowments of property to be held, used, or disposed of, as directed by the donor, with the approval of the Division of Finance.

9-7-204. State Library Board -- Members -- Meetings -- Expenses.

- (1) There is created within the department the State Library Board.
- (2) (a) The board shall consist of nine members appointed by the governor.
(b) One member shall be appointed on recommendation from each of the following agencies:
 - (i) the State Office of Education;
 - (ii) the Board of Control of the State Law Library;
 - (iii) the Office of Legislative Research and General Counsel; and
 - (iv) the Utah System of Higher Education.
- (c) Of the five remaining members at least two shall be appointed from rural areas.
- (3) (a) Except as required by Subsection (b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.
(b) Notwithstanding the requirements of Subsection (a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
- (4) The members may not serve more than two full consecutive terms.
- (5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as originally appointed.
- (6) Five members of the board constitute a quorum for conducting board business.
- (7) The governor shall select one of the board members as chair who shall serve for a period of two years.
- (8) The director of the State Library Division shall be executive officer of the board.
- (9) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections **63A-3-106** and **63A-3-107**.
(ii) Members may decline to receive per diem and expenses for their service.
(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections **63A-3-106** and **63A-3-107**.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections **63A-3-106** and **63A-3-107**.

(ii) Higher education members may decline to receive per diem and expenses for their service.

9-7-205. Duties of board and director.

(1) The board shall:

(a) promote, develop, and organize a state library and make provisions for its housing;

(b) promote and develop library services throughout the state in cooperation with any and all other state or municipal libraries, schools, or other agencies wherever practical;

(c) promote the establishment of district, regional, or multicounty libraries as conditions within particular areas of the state may require;

(d) supervise the books and materials of the state library and require careful and complete records of the condition and affairs of the state library to be kept;

(e) establish policies for the administration of the division and for the control, distribution, and lending of books and materials to those libraries, institutions, groups, or individuals entitled to them under this chapter;

(f) serve as the agency of the state for the administration of any state or federal funds that may be appropriated to further library development within the state;

(g) aid and provide general advisory assistance in the development of statewide school library service and encourage contractual and cooperative relations between school and public libraries;

(h) give assistance, advice, and counsel to all tax-supported libraries of any type within the state and to all communities or persons proposing to establish them and conduct courses and institutes on the approved methods of operation, selection of books, or other activities necessary to the proper administration of a library;

(i) furnish or contract for the furnishing of library or information service to state officials, state departments, or any groups that in the opinion of the director warrant the furnishing of those services, particularly through the facilities of traveling libraries to those parts of the state otherwise inadequately supplied by libraries;

(j) where sufficient need exists and if the director considers it advisable, establish and maintain special departments in the state library to provide services for the blind, visually impaired, persons with disabilities, and professional, occupational, and other groups;

(k) administer a depository library program by collecting state publications, and providing a bibliographic information system;

(l) require that information and statistics necessary to the work of the state library be collected, and that findings and reports be published;

(m) make any report concerning the activities of the state library to the governor as he may require; and

(n) develop standards for public libraries.

(2) The director shall, under the policy direction of the board, carry out the

responsibilities under Subsection (1).

9-7-206. State Library Donation Fund -- Deposits and fees.

(1) There is created a restricted special revenue fund entitled the "State Library Donation Fund" to receive bequests, gifts, and endowments of money.

(2) Any interest or proceeds realized from the use or disposition of property received by the division or interest on the fund itself shall be deposited in the State Library Donation Fund and used by the State Library Division for the purposes specified by the donor.

(3) All fees paid to the library and collections made due to damaged books or through sale or exchange of books and other materials shall be deposited in the General Fund as dedicated credits for use by the State Library Division.

9-7-207. Deposit of state publications.

(1) (a) Each state agency shall deposit with the division copies of each state publication issued by the state agency in the numbers specified by the state librarian.

(b) The division shall forward two copies of each state publication deposited with it by a state agency to the Library of Congress, one copy to the state archivist, at least one copy to each depository library, and retain two copies.

(2) (a) Each political subdivision shall deposit with the division two copies of each state publication issued by it.

(b) The division shall forward one copy of each state publication deposited with it by a political subdivision to the state archivist and retain the other copy.

(3) Each state agency shall deposit with the division two copies of audiovisual materials and tape or disc recordings issued by it for bibliographic listing and retention in the state library collection.

(4) Materials the division considers not to be of major public interest will be listed, but no copies will be required for deposit.

9-7-208. List of state publications.

(1) (a) The division shall publish or make available to the public through electronic networks a list of each state agency's state publications. The list shall provide access by agency, author, title, subject, and such other means as the division provides.

(b) The list shall be published periodically and distributed to depository libraries, state agencies, state officers, members of the Legislature, and other libraries selected by the division with at least an annual cumulation.

(2) Each state agency shall furnish the division and the state archivist with a complete list of its state publications for the previous fiscal year.

9-7-209. Depository libraries -- Complete or selective.

(1) Upon application, a library in this state may be designated as a complete or selective depository library by the division.

(2) To be designated as a depository library, a library shall contract with the division to provide adequate facilities for the storage and use of state publications, to render reasonable service without charge to patrons, and to provide reasonable access to state publications.

(3) A complete depository library shall receive at least one copy of all state publications issued by state agencies.

(4) A selective depository library shall receive those state publications issued by state agencies pertinent to its selection profile and those specifically requested by the library.

9-7-210. Micrographics and other copying and transmission techniques.

The division may use micrographics, computer files, electronic networks, or other copying or transmission techniques to meet the needs of the depository system.

9-7-211. Local libraries -- Annual reports.

All municipal, city, county, and public school libraries shall submit an annual report to the director of the division on the condition and affairs of each library as required by the State Library Board.

9-7-212. Contracts with nonpublic libraries.

The director of the division, subject to the direction and approval of the State Library Board, may contract with nonpublic libraries to receive their library services and to otherwise coordinate the state library program with those libraries.

9-7-213. Rulemaking.

The division may make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, necessary to implement and administer the provisions of this chapter including:

- (1) standards which must be met by libraries to obtain and retain a designation as a depository library;
- (2) the method by which grants are made to individual libraries, but not including appropriations made directly to any other agency or institution;
- (3) standards for the certification of public librarians; and
- (4) standards for the public library online access policy required in Section **9-7-215**.

9-7-214. Intentionally defacing, injuring, destroying, or refusing to return property -- Misdemeanor.

Whoever intentionally defaces, injures, or refuses to return on demand, or destroys any property belonging to the state library or loaned through its coordinating agencies or facilities, shall be guilty of a misdemeanor.

9-7-215. Internet and online access policy required.

- (1) As used in this section:
 - (a) "Child pornography" is as defined in Section **76-5a-2**.
 - (b) "Harmful to minors" is as defined in Section **76-10-1201**.
 - (c) "Obscene" is as defined in 20 U.S.C. Sec. 9101.
 - (d) "Technology protection measure" means a technology that blocks or filters Internet access to visual depictions.
- (2) State funds may not be provided to any public library that offers use of the Internet or an online service to the public unless the library:
 - (a) (i) has in place a policy of Internet safety for minors including the operation of a

technology protection measure:

(A) with respect to any publically accessible computer with Internet access; and

(B) that protects against access to visual depictions that are:

(I) child pornography;

(II) harmful to minors; or

(III) obscene; and

(ii) is enforcing the operation of the technology protection measure described in Subsection (2)(a)(i) during any use of a computer by a minor; and

(b) (i) has in place a policy of Internet safety including the operation of a technology protection measure:

(A) with respect to any publically accessible computer with Internet access; and

(B) that protects against access to visual depictions that are:

(I) child pornography; or

(II) obscene; and

(ii) is enforcing the operation of the technology protection measure described in Subsection (2)(b)(i) during any use of a computer.

(3) This section does not prohibit a public library from limiting Internet access or otherwise protecting against materials other than the materials specified in this section.

(4) An administrator, supervisor, or other representative of a public library may disable a technology protection measure described in Subsection (2):

(a) at the request of a library patron who is not a minor; and

(b) to enable access for research or other lawful purposes.

9-7-216. Process and content standards for policy.

(1) (a) Each library's policy shall be developed under the direction of the library board, adopted in an open meeting, and have an effective date. The library board shall review the policy at least every three years, and a footnote shall be added to the policy indicating the effective date of the last review.

(b) Notice of the availability of the policy shall be posted in a conspicuous place within the library for all patrons to observe. The library board may issue any other public notice it considers appropriate to inform the community about the policy.

(2) The policy shall:

(a) state:

(i) that it restricts access to Internet or online sites that contain material described in Section **9-7-215**; and

(ii) how the library board intends to meet the requirements of Section **9-7-215**;

(b) inform patrons that administrative procedures and guidelines for the staff to follow in enforcing the policy have been adopted and are available for review at the library; and

(c) inform patrons that procedures for use by patrons and staff to handle complaints about the policy, its enforcement, or about observed patron behavior have been adopted and are available for review at the library.

9-7-217. Reporting.

The division shall make a report to the Workforce Services and Community and Economic Development Interim Committee at least once every three years regarding the

compliance of library boards with Section **9-7-215**.

(State Law Library)

9-7-301. Board of control.

(1) There is created the board of control of the State Law Library consisting of the attorney general, legislative general counsel, and the chief justice of the Supreme Court.

(2) The members of the board may not receive salary, per diem, or expenses for their service.

9-7-302. Public access -- Rules.

(1) The public shall have access to the State Law Library.

(2) The board of control may make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, and not inconsistent with the provisions of this part.

9-7-303. Withdrawing books.

(1) Books may be taken from the State Law Library by:

(a) the members, officers, and staff of the Legislature;

(b) the officers and staff of the executive departments and of the several boards and commissions of the state government; and

(c) the justices of the Supreme Court, the judges of other state courts, and their staffs.

(2) No other person may withdraw any book from the State Law Library.

9-7-304. Book register -- Time limit.

(1) The state law librarian shall keep a register of all books issued and returned, showing to whom issued, by whom returned, and the time issued and returned.

(2) No book taken from the law library may be detained more than ten days, except by permission of the state law librarian.

9-7-305. Injury to and failure to return books -- Action.

(1) If any person injures any book owned by the state law library or fails to return any book taken from the State Law Library, that person shall pay the state law librarian all loss or damage sustained because of the injury or failure to return, including costs and reasonable attorneys' fees.

(2) The state law librarian, in behalf of the state, shall bring action in the name of the state for the collection of all damages sustained and all losses and penalties imposed under this section.

9-7-307. Catalogue -- Rules.

The state law librarian shall catalogue all books, pamphlets, maps, charts, globes, papers, apparatus, and valuable specimens in the State Law Library and shall post in some conspicuous place a copy of the rules of the State Law Library. The catalogue shall be made available, whether electronically or in writing, to the persons entitled to

withdraw books from the State Law Library under Section **9-7-303**.

9-7-308. Books to be stamped and labeled.

The state law librarian shall cause every book in the State Law Library to be labeled with a printed or stamped label containing the words "Utah State Law Library," and shall cause the same words to be written or stamped on one or more pages of each volume.

9-7-309. Sale and exchange of books.

The state law librarian may sell or exchange any surplus or duplicate sets of books in the State Law Library and use the proceeds from the sale to purchase other books for the State Law Library.

9-7-311. Wrongful withdrawal of books -- Penalty.

If any person not authorized by Section **9-7-303** takes a book from the State Law Library, either with or without the consent of the state law librarian, or violates any of the provisions of this part, that person shall be fined the full cost of replacing the book, plus \$50 for each book so taken.

9-7-312. Disposition of fines and penalties.

All fines and penalties collected pursuant to the provisions of this part shall be paid into the state treasury for the benefit of the State Law Library.

(City Libraries)

9-7-401. Tax for establishment and maintenance of public library -- Library fund.

(1) A city governing body may establish and maintain a public library.

(2) For this purpose, cities may levy annually a tax not to exceed .001 of taxable value of taxable property in the city. The tax is in addition to all taxes levied by cities and is not limited by the levy limitation imposed on cities by law. However, if bonds are issued for purchasing a site, or constructing or furnishing a building, then taxes sufficient for the payment of the bonds and any interest may be levied.

(3) The taxes shall be levied and collected in the same manner as other general taxes of the city and shall constitute a fund to be known as the city library fund.

(4) The city library fund shall receive a portion of the uniform fee on tangible personal property in accordance with the procedures established in Subsection **59-2-405(5)**.

9-7-402. Library board of directors -- Expenses.

(1) When the city governing body decides to establish and maintain a city public library under the provisions of this part, it shall appoint a library board of directors of not less than five members and not more than nine members, chosen from the citizens of the city and based upon their fitness for the office.

(2) Only one member of the city governing body may be, at any one time, a member of the board.

(3) Each director shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library

funds.

9-7-403. Library board terms -- Officers -- Removal -- Vacancies.

(1) Each director shall be appointed for a three-year term, or until the successor to that director is appointed. Initially, appointments shall be made for one-, two-, and three-year terms. Annually thereafter, the city governing body shall, before the first day of July of each year, appoint for a three-year term directors to take the place of the retiring directors.

(2) Directors shall serve not more than two consecutive full terms.

(3) The directors shall annually select a chairman and other officers.

(4) The city governing body may remove any director for misconduct or neglect of duty.

(5) Vacancies in the board of directors shall be filled for the unexpired term in the same manner as original appointments.

9-7-404. Board powers and duties -- Library fund deposits and disbursements.

(1) The library board of directors may, with the approval of the city governing body:

(a) have control of the expenditure of the library fund, of construction, lease, or sale of library buildings and land, and of the operation and care of the library; and

(b) purchase, lease, or sell land, and purchase, lease, erect, or sell buildings for the benefit of the library.

(2) The board shall:

(a) maintain and care for the library;

(b) establish policies for its operation; and

(c) in general, carry out the spirit and intent of the provisions of this part.

(3) All tax moneys received for the library shall be deposited in the city treasury to the credit of the library fund, and may not be used for any purpose except that of the city library. These funds shall be drawn upon by the authorized officers of the city upon presentation of the properly authenticated vouchers of the library board. All moneys collected by the library shall be deposited to the credit of the library fund.

9-7-405. Rules -- Use of library.

(1) The library board of directors shall make, amend, and revoke rules, not inconsistent with law, for the governing of the library.

(2) Each library established under this part shall be free to the use of the inhabitants of the city where located, subject to the rules adopted by the board. The board may exclude from the use of the library any person who willfully violates these rules. The board may extend the privileges and use of the library to persons residing outside of the city upon terms and conditions it may prescribe by rule.

9-7-406. Reports to governing body and State Library Board.

The library board of directors shall:

(1) make an annual report to the city governing body on the condition and operation of the library, including a financial statement; and

(2) provide for the keeping of records required by the State Library Board in its request for an annual report from the public libraries, and submit that annual report to the

State Library Board.

9-7-407. Librarian and other personnel.

(1) The library board of directors shall appoint a competent person as librarian to have immediate charge of the library with those duties and compensation for services that it determines. The librarian shall act as the executive officer for the library board.

(2) The board shall appoint, upon the recommendation of the librarian, other personnel as needed.

9-7-408. Donations of money or property.

Any person desiring to make donations of money, personal property, or real estate for the benefit of any library shall have the right to vest the title to the money, personal property, or real estate in the board of directors. The donation shall be held and controlled by the board, when accepted, according to the terms of the deed, gift, devise, or bequest of the property, and the board shall be held and considered to be trustees of the property.

9-7-409. Entities may cooperate, merge, or consolidate in providing library services.

Boards of directors of city libraries, boards of directors of county libraries, boards of education, governing boards of other educational institutions, library agencies, and local political subdivisions may cooperate, merge, or consolidate in providing library services.

9-7-410. Consolidation with county library.

When a city library consolidates with a county library, the city library board of directors shall convey all assets and trust funds to the county library board of directors and the city library shall cease operation.

(County Libraries)

9-7-501. Tax for establishment and maintenance of public library -- Library fund.

(1) A county legislative body may establish and maintain a public library.

(2) For this purpose, counties may levy annually a tax not to exceed .001 of taxable value of taxable property in the county, outside of cities which maintain their own city libraries as authorized by Part 4. The tax is in addition to all taxes levied by counties and is not limited by the levy limitation imposed on counties by law. However, if bonds are issued for purchasing a site, or constructing or furnishing a building, then taxes sufficient for the payment of the bonds and any interest may be levied.

(3) The taxes shall be levied and collected in the same manner as other general taxes of the county and shall constitute a fund to be known as the county library fund.

9-7-502. Library board of directors -- Expenses.

(1) (a) When the county legislative body decides to establish and maintain a county public library under the provisions of this part, the county executive shall, with the advice and consent of the county legislative body, appoint a library board of not less than five and not more than nine directors chosen from the citizens of the county and based upon

their fitness for the office.

(b) When increasing membership on an existing library board, the county legislative body:

- (i) may not add more than two positions in any year; and
- (ii) when adding members, shall ensure that the terms of library board members are staggered so that approximately 1/4 of the board is selected each year.

(2) Only one member of the county legislative body may be, at any one time, a member of the board.

(3) Each director shall serve without compensation, but the actual and necessary expenses incurred in the performance of the director's official duties may be paid from library funds.

9-7-503. Library board terms -- Officers -- Removal -- Vacancies.

(1) Each director shall be appointed for a four-year term, or until the director's successor is appointed. Initially, appointments shall be made for one-, two-, three-, and four-year terms, and one member of the county legislative body for the term of his elected office. Annually thereafter, the county executive body shall, before the first day of July of each year, appoint, with the advice and consent of the county legislative body, for a four-year term, one director to take the place of the retiring director.

(2) Directors shall serve not more than two consecutive full terms.

(3) The directors shall annually select a chairman and other officers.

(4) The county executive body may remove any director for misconduct or neglect of duty.

(5) Vacancies in the board of directors shall be filled for the unexpired terms in the same manner as original appointments.

9-7-504. Library board duties -- Library fund deposits.

(1) The library board of directors shall, with the approval of the county executive and in accordance with county ordinances, policies, and procedures:

(a) be responsible for:

- (i) the expenditure of the library fund;
- (ii) the construction, lease, or sale of library buildings and land; and
- (iii) the operation and care of the library; and

(b) purchase, lease, or sell land, and purchase, lease, construct, or sell buildings, for the benefit of the library.

(2) The board has those powers and duties as prescribed by county ordinance, including, but not limited to, establishing policies for collections and information resources that are consistent with state and federal law.

(3) (a) All tax moneys received for the library shall be deposited in the county treasury to the credit of the library fund, and may not be used for any purpose except that of the county library.

(b) All moneys collected by the library shall be deposited to the credit of the library fund.

9-7-505. Rules -- Use of library.

(1) The board shall make library rules in a manner consistent with county ordinances,

policies, and procedures for the governing of the library.

(2) Each library established under this part shall be free to the use of the inhabitants of the area taxed for the support of the library, subject to the rules made as prescribed by county ordinance.

9-7-506. Annual reports.

The library board of directors shall:

(1) make an annual report to the county executive and county legislative body on the condition and operation of the library, including a financial statement; and

(2) provide for the keeping of records required by the State Library Board in its request for an annual report from the public libraries, and submit that annual report to the State Library Board.

9-7-507. Librarian and other personnel.

(1) (a) The library board of directors shall recommend to the county executive for appointment a competent person to serve as librarian.

(b) The county executive shall, within 30 days of the recommendation, either make the appointment or request that the board submit another recommendation.

(c) The librarian shall be an employee of the county subject to the personnel policies, procedures, and compensation plans approved by the county executive and county legislative body.

(d) The librarian shall act as the executive officer for the library board.

(2) (a) All library personnel are employees of the county.

(b) The librarian or the librarian's designee shall hire library personnel in accordance with the county merit system, personnel policies and procedures, and compensation plans approved by the county executive and county legislative body.

(3) As used in this section "librarian" means the county library director.

9-7-508. Donations of money or property.

(1) A person desiring to make a donation of money, personal property, or real estate for the benefit of a library has the right to vest the title to the money, personal property, or real estate in the county, designated for the benefit and purposes of the library.

(2) The county shall hold donated personal property and real estate as prescribed by county ordinance according to the terms of the deed, gift, devise, or bequest of the property, and the county shall be the trustee of the property.

9-7-509. Entities may cooperate, merge, or consolidate in providing library services.

Boards of directors of city libraries, boards of directors of county libraries, boards of education, governing boards of other educational institutions, library agencies, and local political subdivisions may cooperate in providing library services or merge or consolidate under an interlocal agreement approved and implemented in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.

9-7-510. Estimate of moneys.

(1) The library board of directors shall furnish to the county executive and county

legislative body, in writing, and prior to the time required by law to levy county taxes, an estimate of the amount of moneys necessary to establish, equip, and maintain the library, and to provide library services during the next ensuing fiscal year and shall certify the amount.

(2) The county legislative body may, at the time and in the manner of levying other taxes, impose the levy, but the levy may not exceed in any one year .001 per dollar of taxable value of taxable property in the county.

9-7-511. Library bonds -- Issuance of previously voted bonds.

(1) When an election has been held in any county to authorize bonds of the county for the purpose of acquiring, improving, and extending a public library for the county, including the acquisition of equipment, furnishings, and books, and it was specified in the proposition that the bonds are to be payable from ad valorem taxes to be levied on all taxable property in the county, and when the election has carried, but none of the bonds authorized have been issued, the bonds authorized to be issued at election may be issued and shall be payable from taxes to be levied without limitation as to rate or amount on all taxable property in the county, despite any provision of law to the contrary in effect at the time of the election.

(2) All county library bonds that have been authorized but not yet issued, all county library bond elections previously held and carried, and all proceedings in connection with them that were adopted for the authorization of the bonds are hereby validated, ratified, approved, and confirmed, and the bonds, when issued in accordance with the election and proceedings, shall be binding, legal, valid, and enforceable obligations of the county issuing them in accordance with their terms.

(Library Employee Benefits)

10-3-1104. Library personnel -- Monthly wage deductions and matching sums -- Time of inclusion.

(1) The librarians, assistants and employees of any public library may, at the discretion of the board of directors of the library, be included within and participate in the pension, retirement, sickness, disability and death benefit system established under Section **10-3-1103**. In the event the librarian, assistants and employees of the municipality are included within and participate in the system, there shall be deducted from the monthly wage or salary of the librarian, assistants and employees and paid into the system, a percentage of their wage or salary equal to the percentage of the monthly wage or salary of other employees of the municipality which is paid into the system. Also there shall be paid monthly into the system from the funds of the library a further sum equal to the total amount deducted monthly from the wage or salary of the librarian, assistants and employees and paid into the retirement system.

(2) Where the election by the board of directors of any library for inclusion of its librarian, assistants and employees within the system of any municipality is subsequent to the establishment of the system, the inclusion may begin as of the date of the establishment of the system or as of the date of the election as shall be determined by the board of directors. If inclusion is as of the date of the establishment of the system, there shall be paid into the system in addition to the subsequent monthly wage deductions and

matching sums, a sum equal to the aggregate of monthly payroll deductions and matching sums that would have accrued during the period beginning with the establishment of the system and ending with the election had the librarian, assistants and employees been included within the system from its establishment.

(Cities can establish libraries and bond for them)
[Excerpts]

Title 10 -- Chapter 08 -- Powers and Duties of All Cities

10-8-72. Libraries and reading rooms -- Establishment and maintenance.

They may establish, maintain and regulate free public libraries and reading rooms, as provided by law, and may perpetuate such free libraries and reading rooms as may have been heretofore established in the city.

11-14-1. Municipality defined -- Bond issues authorized -- Purposes -- Use of bond proceeds -- Costs allowed.

(1) "Municipality," for the purpose of this chapter, includes cities, towns, counties, school districts, public transit districts, and improvement districts operating under the authority of Title 17A, Chapter 2, Part 3, special service districts operating under the authority of Title 17A, Chapter 2, Part 13, the Utah Special Service District Act, metropolitan water districts operating under the authority of Title 17A, Chapter 2, Part 8, irrigation districts operating under the authority of Title 17A, Chapter 2, Part 7, water conservancy districts operating under the authority of Title 17A, Chapter 2, Part 14, and regional service areas operating under the authority of Title 17A, Chapter 2, Part 18, Regional Service Areas. It does not include the state of Utah and its institutions. Any municipality may, in the manner and subject to the limitations and restrictions contained in this chapter, issue its negotiable bonds for the purpose of paying all or part of the cost of acquiring, improving, or extending any one or more improvements, facilities, or property which the municipality is authorized by law to acquire. Any municipality may also issue such bonds for the acquisition of or the acquisition of an interest in any one or more or combination of the following types of improvements, facilities, or property to be owned by the municipality or to be owned jointly by two or more municipalities, or for the improvement or extension of any such wholly or jointly owned facility or property:

...
(i) educational facilities, including without limitation, schools, gymnasiums, auditoriums, theaters, museums, art galleries, libraries, stadiums, arenas, and fairgrounds;

(State Publications: Capital facilities Plans)

11-36-201. Impact fees -- Analysis -- Capital facilities plan -- Notice of plan -- Summary -- Exemptions.

...
(e) (i) If a local political subdivision prepares an independent capital facilities plan rather than including a capital facilities element in the general plan, the local political

subdivision shall, before adopting the capital facilities plan:

...

(II) place a copy of the plan and summary in each public library within the local political subdivision;

...

(Counties can establish libraries, bond for them, and improve them)

[Excerpts]

17-12-1. Authority and applicable procedure for issuance of bonds -- Application of proceeds -- Debt limit.

Except as otherwise provided under Section **17-50-303**, the county legislative body may contract a bonded indebtedness in the manner and subject to the conditions provided under Title 11, Chapter 14, Utah Municipal Bond Act. The revenue derived from the sale of bonds shall be applied only to the purpose or purposes specified in the order of the county legislative body. If there is any surplus, it shall be applied to the payment of the bonds. In no event may any county become so indebted to an amount, including existing indebtedness, exceeding 2% of the fair market value, as defined under Section **59-2-102**, of the taxable property in the county as computed from the last equalized assessment roll for county purposes prior to the incurring of the indebtedness.

17-12-3. Additional purposes for which bonds may be issued -- Joint ownership of facilities authorized.

In addition to other purposes for which bonds may be issued, bonds may be issued for the purpose of acquiring, improving or extending systems for the collection, retention and disposition of storm and flood waters, for the acquisition, improvement or extension of public libraries, including equipment, furnishings and books therefor, acquiring or improving facilities for the collection, disposal or incineration of garbage and trash, acquiring, improving, extending, furnishing and equipping auditoriums, sports arenas, stadiums, convention centers and all properties and facilities ordinarily forming part of a so-called convention complex, or any part thereof and for acquiring, improving, extending, furnishing or equipping any improvement or facility which the county is authorized by law to own. Bonds may be issued for the county's share of any such facility to be owned jointly with any municipality or taxing district in the county and such joint ownership is expressly authorized.

17A-3-204. Powers of the county legislative body.

(1) The county legislative body may make or cause to be made any one or combination of the following improvements at any place within the unincorporated area of the county, or it may on its own initiative by ordinance or resolution, create special improvement districts within the unincorporated area of the county with the power to

make or cause to be made any of the following improvements:

...
(h) to acquire, construct, reconstruct, extend, maintain, or repair parks, recreational facilities, and libraries;

17A-3-304. Powers of municipality.

(1) The governing body of any municipality may make or cause to be made any one or more or combination of the following improvements:

...
(i) acquire, construct, reconstruct, extend, maintain, or repair parks, recreational facilities, and libraries;

(Local Districts)

[Excerpt]

17B-2-202. Local district may be created -- Services that may be provided -- Limitations -- Name.

(1) A local district may be created as provided in this part to provide within its boundaries service consisting of:

...
(h) the operation of a library;

...
(5) Except for a local district in the creation of which an election is not required under Subsection **17B-2-214(3)(c)**, the area of a local district may include all or part of the unincorporated area of one or more counties and all or part of one or more municipalities.

(6) The name of a local district:
(a) may include words descriptive of the type of service provided by the local district;
and
(b) may not include the name of a county or municipality.

(Disabled Accessibility)

26-29-1. Buildings and facilities to which chapter applies -- Standards available to interested parties -- Building board staff to advise, review, and approve plans when possible.

(1) (a) The standards in this chapter apply to all buildings and facilities used by the public that are constructed or remodeled in whole or in part by the use of state funds, or the funds of any political subdivision of the state.

(b) All of those buildings and facilities constructed in Utah after May 12, 1981, shall conform to the standard prescribed in this chapter except buildings, facilities, or portions of them, not intended for public use, including:

(i) caretaker dwellings;

- (ii) service buildings; and
- (iii) heating plants.

(2) This chapter applies to temporary or emergency construction as well as permanent buildings.

(3) (a) The standards established in this chapter apply to the remodeling or alteration of any existing building or facility within the jurisdictions set forth in this chapter where the remodeling or alteration will affect an area of the building or facility in which there are architectural barriers for persons with a physical disability.

(b) If the remodeling involves less than 50% of the space of the building or facility, only the areas being remodeled need comply with the standards.

(c) If remodeling involves 50% or more of the space of the building or facility, the entire building or facility shall be brought into compliance with the standards.

(4) (a) All individuals and organizations are encouraged to apply the standards prescribed in this chapter to all buildings used by the public, but that are financed from other than public funds.

(b) The State Building Board shall:

(i) make the standards established by this chapter available to interested individuals and organizations; and

(ii) upon request and to the extent possible, make available the services of the building board staff to advise, review, and approve plans and specifications in order to comply with the standards of this chapter.

26-29-3. Basis for standards.

The standards of this chapter are the current edition of planning and design criteria to prevent architectural barriers for the aged and persons with a physical disability, as promulgated by the State Building Board.

(Legislative Research)

[Excerpts]

36-12-12. Office of Legislative Research and General Counsel -- Established -- Powers, functions, and duties -- Organization of office -- Selection of director and general counsel.

(1) There is established an Office of Legislative Research and General Counsel as a permanent staff office for the Legislature.

(2) The powers, functions, and duties of the Office of Legislative Research and General Counsel under the supervision of the director shall be:

...

(d) to maintain a legislative research library that provides analytical, statistical, legal, and descriptive data relative to current and potential governmental and legislative subjects;

...

(Legislative Interim Committees)

[Excerpts]

36-12-5. Duties of interim committees.

...

(3) Except as otherwise provided by law, reports and recommendations of the interim committees shall be completed and made public prior to any legislative session at which the reports and recommendations are submitted. A copy of the reports and recommendations shall be mailed to each member or member-elect of the Legislature, to each elective state officer, and to the state library.

(School Library Standards)

[Excerpts]

53A-1-402. Board to establish minimum standards for public schools.

(1) The State Board of Education shall establish rules and minimum standards for the public schools that are consistent with this title, including rules and minimum standards governing the following:

(a) (i) the qualification and certification of educators and ancillary personnel who provide direct student services;

...

(v) school libraries;

...

(Maximum Levy Limitation Exceptions)

[Excerpts]

59-2-911. Exceptions to maximum levy limitation.

(1) The maximum levies set forth in Section **59-2-908** do not apply to and do not include:

...

(d) levies made for county library services;

...

(Taxpayer contributions)

[Excerpts]

59-10-549. Contributions for education.

(1) Except as provided in Section **59-10-551**, a taxpayer that files a return pursuant to Section **59-10-502** may designate on the return a contribution as provided in this section

to:

- (a) the State Board of Regents created by Section **53B-1-103** for:
 - (i) libraries; or
 - (ii) library equipment;
- (b) an institution of higher education created by Section **53B-2-101** for:
 - (i) libraries; or
 - (ii) library equipment;

...

(Private Records [GRAMA])

[Excerpts]

63-2-202. Access to private, controlled, and protected documents.

- (1) Upon request, a governmental entity shall disclose a private record to:
 - (a) the subject of the record;
 - (b) the parent or legal guardian of an unemancipated minor who is the subject of the record;
 - (c) the legal guardian of a legally incapacitated individual who is the subject of the record;
 - (d) any other individual who:
 - (i) has a power of attorney from the subject of the record;
 - (ii) submits a notarized release from the subject of the record or his legal representative dated no more than 90 days before the date the request is made; or

...

- (e) any person to whom the record must be provided pursuant to court order as provided in Subsection (7) or a legislative subpoena as provided in Title 36, Chapter 14.

63-2-206. Sharing records.

(1) A governmental entity may provide a record that is private, controlled, or protected to another governmental entity, a government-managed corporation, a political subdivision, the federal government, or another state if the requesting entity:

- (a) serves as a repository or archives for purposes of historical preservation, administrative maintenance, or destruction;
- (b) enforces, litigates, or investigates civil, criminal, or administrative law, and the record is necessary to a proceeding or investigation;
- (c) is authorized by state statute to conduct an audit and the record is needed for that purpose; or
- (d) is one that collects information for presentence, probationary, or parole purposes.

(2) A governmental entity may provide a private or controlled record or record series to another governmental entity, a political subdivision, a government-managed corporation, the federal government, or another state if the requesting entity provides written assurance:

- (a) that the record or record series is necessary to the performance of the governmental entity's duties and functions;

(b) that the record or record series will be used for a purpose similar to the purpose for which the information in the record or record series was collected or obtained; and

(c) that the use of the record or record series produces a public benefit that outweighs the individual privacy right that protects the record or record series.

(3) A governmental entity may provide a record or record series that is protected under Subsection **63-2-304**(1) or (2) to another governmental entity, a political subdivision, a government-managed corporation, the federal government, or another state if:

(a) the record is necessary to the performance of the requesting entity's duties and functions; or

(b) the record will be used for a purpose similar to the purpose for which the information in the record or record series was collected or obtained.

(4) (a) A governmental entity shall provide a private, controlled, or protected record to another governmental entity, a political subdivision, a government-managed corporation, the federal government, or another state if the requesting entity:

(i) is entitled by law to inspect the record;

(ii) is required to inspect the record as a condition of participating in a state or federal program or for receiving state or federal funds; or

(iii) is an entity described in Subsection (1)(a), (b), (c), or (d).

(b) Subsection (4)(a)(iii) applies only if the record is a record described in Subsection **63-2-304**(4).

(5) Before disclosing a record or record series under this section to another governmental entity, another state, the United States, or a foreign government, the originating governmental entity shall:

(a) inform the recipient of the record's classification and the accompanying restrictions on access; and

(b) if the recipient is not a governmental entity to which this chapter applies, obtain the recipient's written agreement which may be by mechanical or electronic transmission that it will abide by those restrictions on access unless a statute, federal regulation, or interstate agreement otherwise governs the sharing of the record or record series.

...

(9) The following records may not be shared under this section:

...

(b) records of publicly funded libraries as described in Subsection **63-2-302**(1)(c).

...

63-2-302. Private records.

(1) The following records are private:

...

(c) records of publicly funded libraries that when examined alone or with other records identify a patron;

...

(Official State Language)

[Excerpts]

63-13-1.5. Official state language.

- (1) English is declared to be the official language of Utah.
- (2) As the official language of this State, the English language is the sole language of the government, except as otherwise provided in this section.
- (3) Except as provided in Subsection (4), all official documents, transactions, proceedings, meetings, or publications issued, conducted, or regulated by, on behalf of, or representing the state and its political subdivisions shall be in English.
- (4) Languages other than English may be used when required:

...

(f) by libraries to:

- (i) collect and promote foreign language materials; and
- (ii) provide foreign language services and activities.

...

(6) Unless exempted by Subsection (4), all state funds appropriated or designated for the printing or translation of materials or the provision of services or information in a language other than English shall be returned to the General Fund.

(a) Each state agency that has state funds appropriated or designated for the printing or translation of materials or the provision of services or information in a language other than English shall:

(i) notify the Division of Finance that those monies exist and the amount of those monies; and

(ii) return those monies to the Division of Finance.

(b) The Division of Finance shall account for those monies and inform the Legislature of the existence and amount of those monies at the beginning of the Legislature's annual general session.

(State Capitol Preservation Board)

[Excerpts]

63C-9-301. Board powers.

(1) The board shall:

...

(c) consult with the Division of Facilities Construction and Management, the State Library Division, the Division of Archives and Records Service, the Division of State History, the Office of Museum Services, and the Arts Council when necessary;

...

(h) define and identify all significant aspects of capitol hill facilities and capitol hill grounds, after consultation with the Division of Facilities Construction and Management, State Library Division, the Division of Archives and Records Service, the Division of State History, the Office of Museum Services, and the Arts Council;

(i) inventory, define, and identify all significant contents of the buildings and all state-

owned items of historical significance that were at one time in the buildings, after consultation with the Division of Facilities Construction and Management, State Library Division, the Division of Archives and Records Service, the Division of State History, the Office of Museum Services, and the Arts Council;

63C-9-601. Responsibility for items.

Furniture, furnishings, fixtures, works of art, and decorative objects for which the board has responsibility under this chapter are not subject to the custody or control of the State Library Board, State Library Division, the Division of Archives and Records Service, the Division of State History, the Office of Museum Services, the Arts Council, the Division of Fine Arts, the Institute of Fine Arts, the Alice Art Collection Committee, or any other state agency.

(Theft from Libraries)

76-6-605. Photographs of items allegedly taken or converted -- Admissibility -- Procedure.

- (1) As used in this section "items" means:
 - (a) goods or merchandise as defined in Section **76-6-601**; and
 - (b) library materials, as defined in Title 76, Chapter 6, Part 8.
- (2) In any prosecution for a violation of Section **76-6-602** or Title 76, Chapter 6, Part 8, Library Theft, photographs of the items alleged to have been taken or converted are competent evidence of the items and are admissible in any proceeding, hearing, or trial as if the items themselves were introduced as evidence.
- (3) The photographs shall bear a written description of the items alleged to have been taken or converted, the name of the owner, or the store, establishment, or library, as appropriate, where the alleged offense occurred, the name of the accused, the name of the arresting peace officer, the date of the photograph, and the name of the photographer.
- (4) The writing shall be made under oath by the arresting peace officer, and the photographs identified by the signature of the photographer. Upon the filing of the photograph and writing with the authority or court holding the items as evidence, they shall be returned to their owner, or returned to the proprietor or manager of the store or establishment, or to an employee of the library, as is appropriate.

76-6-802. Presumption of intent.

A person who willfully conceals library materials on his person or among his belongings while on the premises of the library or in its immediate vicinity is prima facie presumed to have concealed library materials with the intention of converting them to his own use. If library materials are found concealed upon his person or among his belongings, or electronic security devices are activated by the person's presence, it is prima facie evidence of willful concealment.

76-6-801. Acts constituting library theft.

A person is guilty of the crime of library theft when he willfully, for the purpose of converting to personal use, and depriving the owner, conceals on his person or among his belongings library materials while on the premises of the library or willfully and without authority removes library materials from the library building with the intention of converting them to his own use.

76-6-802. Presumption of intent.

A person who willfully conceals library materials on his person or among his belongings while on the premises of the library or in its immediate vicinity is prima facie presumed to have concealed library materials with the intention of converting them to his own use. If library materials are found concealed upon his person or among his belongings, or electronic security devices are activated by the person's presence, it is prima facie evidence of willful concealment.

76-6-803. Mutilation or damaging of library material as library theft.

A person is guilty of the crime of library theft when he intentionally or recklessly writes upon, injures, defaces, tears, cuts, mutilates, destroys, or otherwise damages library materials.

76-6-803.30. Failure to return library material as library theft -- Notice -- Failure to pay replacement value -- Written notice.

(1) A person is guilty of library theft when, having possession or having been in possession of library materials, he:

(a) fails to return the materials within 30 days after receiving written notice demanding return of the materials; or

(b) if the materials are lost or destroyed, fails to pay the replacement value of the materials within 30 days after being notified.

(2) Written notice is considered received upon the sworn affidavit of the person delivering the notice with a statement as to the date, place, and manner of delivery, or upon proof that the notice was mailed postage prepaid, via the United States Postal Service, to the current address listed for the person in the library records.

76-6-803.60. Detention of theft suspect by library employee -- Purposes.

(1) Any employee of the library who has probable cause to believe that a person has committed library theft may detain the person, on or off the premises of a library, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:

(a) to make reasonable inquiry as to whether the person has in his possession concealed library materials;

(b) to request identification;

(c) to verify identification;

(d) to make a reasonable request of the person to place or keep in full view any library materials the individual may have removed, or which the employee has reason to believe he may have removed, from its place of display or elsewhere, whether for examination,

or for any other reasonable purpose;

(e) to inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer; or

(f) in the case of a minor, to inform a peace officer, the parents, guardian, or other private person interested in the welfare of the minor as soon as possible of this detention and to surrender custody of the minor to this person.

(2) An employee may make a detention under this section off the library premises only if the detention is pursuant to an immediate pursuit of the person.

76-6-803.90. Liability -- Defense -- Probable cause -- Reasonableness.

In any action for false arrest, false imprisonment, unlawful detention, defamation of character, assault, trespass, or invasion of civil rights brought by any person detained by an employee of the library, it is a defense to the action that the employee of the library detaining the person had probable cause to believe that the person had committed library theft and that the employee acted reasonably under all circumstances.

76-6-804. "Book or other library materials" defined.

The terms "book or other library materials" as used in this act include any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, sound recording, audiovisual materials in any format, electronic data processing records, artifacts, or other documentary, written or printed materials regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of the following:

- (1) any public library;
 - (2) any library of an educational or historical society;
 - (3) any museum; or
 - (4) any repository of public records.
-

(Pornographic Films)
[Excerpts]

76-10-1226. Exemptions from application of film distribution act.

This part does not apply to any film:

(1) distributed to or exhibited by any accredited university, college, school, library, or other educational institution, church, or museum, if there is scientific, religious, or educational justification for the exhibition of the film; or

...

(Detaining Thieves & Shoplifters)

77-7-12. Detaining persons suspected of shoplifting or library theft -- Persons authorized.

(1) A peace officer, merchant, or merchant's employee, servant, or agent who has reasonable grounds to believe that goods held or displayed for sale by the merchant have

been taken by a person with intent to steal may, for the purpose of investigating the unlawful act and attempting to effect a recovery of the goods, detain the person in a reasonable manner for a reasonable length of time.

(2) A peace officer or employee of a library may detain a person for the purposes and under the limits of Subsection (1) if there are reasonable grounds to believe the person violated Title 76, Chapter 6, Part 8, Library Theft.

77-7-13. Arrest without warrant by peace officer -- Reasonable grounds, what constitutes -- Exemption from civil or criminal liability.

(1) A peace officer may arrest, without warrant, any person the officer has reasonable ground to believe has committed a theft under Title 76, Chapter 6, Part 8, Library Theft, or of goods held or displayed for sale.

(2) A charge of theft made to a peace officer under Part 8, Library Theft, by an employee of a library, or by a merchant, merchant's employee, servant, or agent constitutes a reasonable ground for arrest, and the peace officer is relieved from any civil or criminal liability.

77-7-14. Person causing detention or arrest of person suspected of shoplifting or library theft -- Civil and criminal immunity.

(1) A peace officer, merchant, or merchant's employee, servant, or agent who causes the detention of a person as provided in Section **77-7-12**, or who causes the arrest of a person for theft of goods held or displayed for sale, is not criminally or civilly liable where he has reasonable and probable cause to believe the person detained or arrested committed a theft of goods held or displayed for sale.

(2) A peace officer or employee of a library who causes a detention or arrest of a person under Title 76, Chapter 6, Part 8, Library Theft, is not criminally or civilly liable where he has reasonable and probable cause to believe that the person committed a theft of library materials.